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COOK

74-C-377

CIVIL DOCKET
UNITED STATES DISTRICT COURT

Jury demand date: 5-1-75 Pltf.

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
W. W. BARNES, vs FORD MOTOR COMPANY, a corporation, FORD MOTOR CREDIT COMPANY, a corporation, NICK KERPON, DAN TRANTHAM and JAMES NAIL, defendants.		<div>For plaintiff:</div> <div>542-1200</div> <div>J. R. Hall, Jr., James S. Wooley Box 888 Miami, OK 74354 918-542-5558</div> <div>James S. Wooley 501 First National Bank Bldg. Miami, OK 74354 542-1200</div> <div>For defendant:</div> <div><i>Ron Spollen</i> <i>all defs.</i> Thomas G. Marsh (Ford Motor Co.) 1501 Fourth Natl. Bank Bldg. Tulsa, OK 74119 <i>(582-0141)</i></div> <div>Robert J. Donnellan, Litigation The American Road Dearborn, Michigan 48121</div>			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>10-1-74</i>	Clerk	9-24-74	Marsh	15 00	15 00
J.S. 6 mailed <i>2-1-77</i>	Marshal	9-26-74	C/D #15		
Basis of Action: Removal-- money judgment pursuant to §16(b) Fair Labor Standards Act of 1938.	Docket fee				
Action arose at:	Witness fees				
	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-24-74	1. Petition for removal from Tulsa County District Court, filed, kw/ copy of original petition. k	
9-24-74	2. Bond for removal of cause in the amt. of \$500.00 (Insurance Co. of North America), filed. k	
9-24-74	3. Notice of filing petition & bond for removal, filed. k	
10-11-74	4. Motion of Deft., Ford Motor Company, A Corp. to quash service of process & to dismiss complaint, filed. v	
10-11-74	5. Brief in Support, filed. v	
10-11-74	MO: ORDERED BY THE COURT that Plaintiff is granted 10 days from this date to respond to the Motion of Deft. Ford Motor Co., A Corp., to quash service of process & to dismiss the complaint. (AEB-J)v	
10-15-74	6. Motion of def. Ford Motor Credit Company, to quash service of process and to dismiss complaint, filed. rm	
10-15-74	7. Brief in support of def. Ford Motor Credit's mo/quash & dismiss, filed. rm	
10-15-74	MO: Ordered by the Court that pltf. is granted 10 days from this date to respond to the Motion of def., Ford Motor Credit Co., to quash service of process & dismiss complaint. (AEB-J)rm	
10-15-74	8. Motion of defs., Nick Kerpon, Dan Trantham & James Nail, to quash service of process & dismiss complaint, filed. rm	
10-15-74	9. Brief in support, filed. rm	
10-15-74	MO: Ordered by the Ct. that pltf. is granted 10 days to respond to mo/quash & dismiss of defs. Kerpon, Trantham & Nail.(AEB-J)rm	
10-17-74	10. Certificate & Acknowledgement of Receipt of Filings, filed by Pltf.v	
10-22-74	11. Response of W.W. Barnes, Pltf., to Mot. of Defts., Trantham, Kerpon & Nail, filed. v <i>see pldg. No. 8.</i>	
10-22-74	12. Brief in Support, filed. v	
10-22-74	13. Response of Pltf. to Mot. of Deft., Ford Motor Credit Co.,fld. v	
10-22-74	14. Brief in Support, filed. v <i>see pldgs. No. 4 & 6.</i>	
10-23-74	15. Response of pltf. to mot. of Ford Motor Co. to dismiss, filed.g	
10-23-74	16. Brief in support of response of pltf. to overrule motions of deft. Ford Motor Co., filed. g	
1-22-75	Order, filed, transferring case to Judge H. Dale Cook, (AEB-J)k.	
3-24-75	17. Order, filed, that the defts' mo/dismiss is overruled; the motions to quash service of process are overruled; the mo/dismiss on grounds that pltf. is an administrative employee is overruled; that the statute of limitations bars recovery to this pltf. for compensation prior to 8-29-71; that defts. are granted 15 days from date to file answers. (HDC-J)hm (copies mailed)	
4-9-75	18. Answer of defts. Ford Motor Co., Ford Motor Credit Company, Nick Kerpon, Dan Trantham and James Nail, filed.jj	
5-1-75	19. DEMAND FOR JURY TRIAL, filed by Pltf.jj	
5-1-75	20. Deft's response to pltf's untimely demand for trial by jury, filed.k cont.	

COOK

D. C. 110A Rev. Civil Docket Continuation

Sheet 2

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-9-75	21. Pltf's response to defts' response to pltf's untimely demand for trial by jury, filed. g	
5-13-75	22. Deft.'s further response to Pltf.'s untimely demand for Trial by Jury, filed. v	
5-29-75	23. Order granting demand for trial by jury, filed, granting jury on issues concerning money damages from lost wages & benefits & denying jury on issues concerning atty. fees or costs. (HDC-J)hm (copies mailed)	
6-3-75	24. Motion for Summary Judgment to Dismiss Ford Motor Company, filed with Brief in Support, And Affidavit of F.J. Force attached. v	
6-4-75	MO: It is ordered by the Court that Plaintiff is granted 10 days from this date to respond to the Motion for Summary Judg. to Dismiss Ford Motor Co. (AEB-J)v	
6-12-75	25. Pltf's response to mot. for S/J of deft. Ford Motor Co., filed. g	
6-16-75	26. Application of Defendants for Extension of Time Pursuant to Rule 6(b)(1) F.R.C.P., filed. (HDC-J) mm o to g	
6-17-75	27. Order, filed, granting defts. until 7-20-75 to file motion for Summary Judgment. (HDC-J)g cpies mailed	
7-15-75	28. Applic. of defts. for ext. of time purs. to Rule 6 FRCP, filed. hm	
7-15-75	29. Order, filed, ext. time to file PT Order and further pt papers to 8/25/75. (HDC-J)rm - copies mailed	
7-28-75	30. Order, filed, overruling def. Ford Motor Co.'s mo/SJ.(HDC-J)rm-copies	
8-21-75	31. Motion of pltf. for order compelling discovery, w/Affd., filed. g	
8-21-75	32. Brief in suppot of mot. for order compelling discovery, filed. g	
8-21-75	MO: Ordered that pltf's mo/order compelling discovery is referred to Mag. Bradford for recommendation. (HDC-J)hm	
8-25-75	33. Appl. for ext. of time to file PTO, fld. v	
8-26-75	34. Order, filed, that parties are granted until 9-25-75 to file PT order. (HDC-J)v	
9-17-75	Deposition of <u>Woodferd Wilson Barnes</u> , on behalf of the defts. and deposition of <u>John Badgwell</u> , <u>Wilma Sue Todd</u> , <u>Martha Sue Copeland</u> , <u>Ron Robinson</u> & <u>Nick Kerpon</u> on behalf of the plaintiff, taken on 7-8-75 before Loyd J. Christesson, CSR W/fees of \$270.00 pd by the plaintiff and \$154.50 pd by the defendants, filed. mm (Dep. consol. W/74-C-475)	
9-17-75	35. Response of defs. to pltf. mo/order compelling discovery, filed. rm	
9-17-75	Hearing held before Magistrate M. L. Bradford on pltf. mo/order compelling discovery. Parties rep. by counsel of record. By agreement of parties, motion to be withdrawn. Pltf. directed to prepare mo/withdraw within 10 days.(MLB-Mag)rm	
9-17-75	36. Motion of pltf. for order restraining defs. from destroying documents and records, filed. rm	
9-17-75	37. Memo. brief in support of mo/order restraining defs., filed. rm	
9-23-75	38. Stipulation that the Motion for Order Compelling Discovery filed on 8-21-75 is withdrawn, filed. mm (contd.)	

DATE	PROCEEDINGS	Date Order or Judgment Note
9-23-75	Permission of court, as part of stip., for leave to file stip., filed. (HDC-J)rm-copies mailed	
	39.	
10-8-75	Application, filed. hm	
10-8-75	40. Stipulation, filed. hm	
10-8-75	41. Stipulation that mo/order restraining the deft. from destroying documents & records should be deferred until pltf. files a motion for setting, filed. hm	
10-10-75	42 Order, filed, granting parties until 11-8-75 to file pretrial order. (HDC-J)g cpies mld.	
10-30	43. Plaintiff's Motion for Order Compelling Discovery, filed w/ Affidavit of J. R. Hall, Jr., filed.k	
10-30	44. Plaintiff's brief in support of mot. for order compelling discovery, filed.k	order made jud date
11-1-75	Notice of motion (part of motion), filed, setting case for hearing before Mag. Bradford on 11-11-75 at 1:30 p.m. on mo/order compelling discovery. hm (Copies mailed)	
11-11-75	45. Resp. to Pltf's Mtn for Order Compelling Discovery, filed.jj	
11-11	MO: Case called for hearing on pltf's motion for order compelling discovery before Magistrate Bradford. It is recommended that pltf's motion be sustained. Pltf. counsel to prepare Findings & Recommendations within 5 days. (MLB-Mag)hm	
11-11-75	46 Stip. re. ext. of time to file PTO, filed. tc	
11-11-75	47 Appl. for ext. of time to file PTO, filed. -o- tc	
11-14	48. Order, filed, granting until 12-31-75 for filing of Pre-Trial order, (HDC-J) ph cps mld.	
11-17	49. Findings and recommendations of the Magistrate, filed. (MLB-Mag)hm (copies mailed)	
11-20	50. Notice to take depositions, filed. Subpoenae issued. g	
11-26	51 Defts Motion to quash notice of taking depositions, and Mot. in the alternative, for a protective order under Rule 26(c)F.R.C.P. filed.tc	
11-26	52. Above Motions set for hearing before Mag. Morris L. Bradford in U. S. Fed. Ct. House on Dec. 2nd at 2:30, filed.tc	copies mld by Atty.
11-26	MO: Ordered that mo/quash and mo for protective order are referred to Mag. Bradford for recommendation. (HDC-J)hm	
12-2	MO: Hearing held before Mag. on deft's mo/quash notice of taking depositions. Statements made. Pltf. counsel confesses motion and deft. agrees to advise pltf. of names of substitute parties, if requested. (MLB-Mag)hm	
12-4	53. Order compelling discovery, filed, sustaining pltf's mo/order compelling discovery & defts. to furnish pltf. with certain items within 20 days. (HDC-J)hm (copies mailed)	
12-19	54. Appl. of Defts. for ext. of time pursuant to R. 6B, FRCP, to comply w/order compelling disc., fld. v (o)	
12-19	55. Order, fld., granting defts. until 1-15-76 to comply w/order compelling disc. of 12-3-75. (HDC-J)v	

DATE	PROCEEDINGS	Date Order or Judgment Noted
1976		
1-23	56. Mot. for Ord. striking Ans. & for default judg., filed.t	
1-23	57. Affidavit, filed.t	
1-23	58. Brf. in support of Pltf's. Mot. for Ord. striking Ans. & for default judg., filed.t	
1-23	MO: "It is ordered by the Ct. that deft. is granted 10 days from this date to respond to pltf's Mot. for Ord. Striking Ans. and for Default Judg." t cps. mld.	
1-23	MO: Case set for hearing on pltf's mo/order striking ans. & for def. judgment 2-6-76 at 3:00 p.m. (HDC-J)hm	
2-2	59. Defts' response to pltf's mo. for order striking answer and for default judgment, filed.	
2-6	MO: Hearing on Pltf's mo. for order striking ans. & for default judgment held. Statements made. Pltf's mo. is denied, but deft. to produce further documents to pltf. by 2-10-76. Ct. admonishes counsel. Costs assessed against deft. & Mr. Hall to file statement of costs. Pltf. to prepare Pre-Trial order by 3-26-76 (HDC-J)ph	
2-10	60. Defts' applic. for ext. of time to comply w/order of 2-6-76, filed.hm	
2-10	61. Order, filed, granting defts. until 2-15-76 to comply with order of Court of 2-6-76; & granting defts. until 2-24-76 to file a statement of compliance. (HDC-J)hm (copies mailed)	
2-24	62. Compliance Statement, filed.t	
2-24	En Camera Production of Documents to Which a Claim of Privilege or confidentiality is asserted by Defendants herein, filed.t	
3-4	In camera documents, filed. hm	
3-26	63. Deft's applic. for ext. of time, filed. hm	
3-26	64. Order, filed, granting parties u ntil 4-12-76 to file PT order. (HDC-J)hm (copies mailed)	
4-5	65. Appl. of J.R. Hall, Jr., for atty. fees, fld. v (o)	
4-5	MO: Ordered by the Court that Defts. are granted 10 days from this date to respond to the Appl. of J.R. Hall, Jr., for atty. fees. (HDC-J)v	
4-12	66. Pltf's applic. for ext. of time purs. to Rule 6 FRCP, filed. hm	
4-12	67. Order, filed, granting parties to 5-12-76 to file PT orders. (HDC-J)hm (copies mailed)	
4-12	68. Pltf's motion for order compelling discovery, filed. hm	
4-12	69. Brief in support of pltf's mo/order compelling discovery, filed.hm	
4-12	70. Pltf's motion for order striking ans. and for def. judgment, filed.hm	
4-12	71. Brief in support of pltf's mo/order striking ans. & for def. judgment, filed. hm	
4-12	MO: Case set for hearing on pltf's mo/order compelling discovery and pltf's mo/order striking ans. and for default judgment on 4-23-76 at 11:00 a.m. (HDC-J)hm (notices mailed)	

(Cont)

DATE	PROCEEDINGS	Date Order or Judgment Noted
<u>1976</u>		
4-15	72. Appl. of deft. for ext of time to respond to appl. of J. R. Hall, Jr. for Atty fees, filed. ph o b b	
4-15	73. Order, filed, granting defts. until 4-20-76 to respond to Pltf's Appl. for atty fees and further ordered that defts. given leave to respond to mo of Pltf. for order compelling discovery and default judgment by 4-20-76.(HDC-J)ph cps mld	
4-20	74. Defts' response to pltf's applications for order compelling discovery, striking ans. default judgment, and appl. for atty. fees, filed. ph	
4-23	MO: Parties have advised through Mr. J. R. Hall that it is believed that they have worked out a settlement, but that it will take time to work out the particulars and details. Parties therefore request the motions set this date be stricken, not to be reset except upon the req. of pltf. Hearing this date stricken. (HDC-J)hm	
8-10	75. Pltf's motion to set appl. for attorney's fees, motion for order striking ans. and for default judgment and motion for order compelling discovery, filed. ph	
8-10	MO: Case set for hearing on pending motions 8-20-76 at 11:00 a.m. (HDC-J)hm (notice mailed)	
8-17	76. Appl. of Defts. for continuance re hrgs. set for 8-20-76, fld. v (o)	
8-17	77. Order, filed, that hearing set for 8-20-76 be continued until 8-25-76 at 3:00 p.m.(HDC-J)ph cps mld	
8-26	78. Affidavit of K. W. Underwood, filed. ph	
8-26	79. Affidavit of H. H. Steffen, filed. ph	
8-26	MO: Case called for hearing on pending motions. Statements made. Robert J. Donnellan admitted for purposes of this case. Parties announce settlement negotiations have fallen. Pltf's mo/order compelling discovery granted & complied with; deft. to furnish all documents not heretofore provided. Pltf's applic. for atty's fees overruled as to this hearing, but Ct. awards atty. fees in amt. of \$611.75, pertaining to hearing in Feb., 1976. Pltf's mo/order striking ans. & for default judgment denied. Court orders discovery to be closed by 11-12-76 and PT order to be filed by 12-3-76. Case to be set for trial in January, 1977. Affid. of Alec C. Lindsay, filed in open court. Motion of defts., filed in open court, sustained, and pltf. ordered to comply with requested production of documents within 10 days. (HDC-J)hm	
8-26	80. Affidavit of Alec C. Lindsay, filed in open court. hm	
8-26	81. Motion of defts., filed in open court, (for prod. of documents)hm	
8-26	82. Order directing payment of atty. fees, filed, directing deft. to pay pltf. the sum of \$611.75, within 30 days from this date. (HDC-J)hm (copies mailed)	
9-22	MO: Case set for jury trial 1-10-77 at 9:30 a.m. (HDC-J)hm (notice mailed)	
10-6	MO: Case reset for jury trial 1-24-77 at 9:30 a.m. in Miami, Okla. (HDC-J)hm (notice mailed)	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>74-C-377-C</u>
W. W. BARNES		FORD MOTOR COMPANY, et al	PAGE <u>7</u> OF <u>4</u> PAGES
DATE	NR.	PROCEEDINGS	
<u>1976</u>			
11-12	83.	Defts' Motion to consolidate case 74-C-475 with case 74-C-377, filed. ph	
11-12	84.	Defts' brief and support of motion to consolidate, filed. ph	
11-12	MO:	It is ordered by the Court that the pltf. file a resp. brief within 10 days to the defts' motion to consolidate case 74-C-475 with case 74-C-377. (HDC-J)ph ltr. mld.	
11-24	85.	Pltf's appl. to extend time for discovery and for filing brief in resp. to mo. of deft. Ford Motor Company, to consolidate, filed. ph	
11-24	86.	Pltf's brief in support of motion for ext. of time, filed. ph	
12-1	87.	Defts' Motion to dismiss and/or motion for partial S/J, filed. ph	
12-1	88.	Defts' brief in support of motion to dismiss and/or motion for partial S/J, filed. ph	
12-1	MO:	It is ordered by the Court that the pltf. file a resp. brief within 10 days to the Defts' Motion to Dismiss and/or motion for partial S/J. (HDC-J)ph cps mld	
12-2	89.	Order, filed, granting pltf. until 12-3-76 to resp. to motion to consolidate and for completion of discovery. (HDC-J)ph cps mld	
12-10	90.	Defts' proposed PT order, filed. ph	
12-17	91.	Defts' Motion to dismiss for failure to comply with orders of the Court, filed. ph	
12-17	92.	Brief in support of deft's motion to dismiss under Rule 41 (b), filed. ph	
12-20	MO:	It is ordered by the Court that the pltf. file a resp. brief within 10 days to the Motion to Dismiss for failure to comply with orders of the Court. (HDC-J) cps mld	
12-21	93.	Motion of J. R. Hall, Jr. to withdraw as counsel for pltf., filed. ph	
12-21	94.	Appearance of James S. Wooley at atty for pltf., W. W. Barnes, filed. ph	
12-21	95.	Pltf's appl. for ext. of time to resp. to defts' motion to dismiss and/or motion for partial S/J, filed. ph	
12-21	96.	Pltf's appl. to extend time to complete discovery and file PT order, filed. ph	
12-21	97.	Pltf's appl. for ext. of time to resp. to defts' motion to consolidate, filed. ph	
12-21	98.	Order, fld., granting the mot. of J. R. Hall, Jr., to w/draw as atty for Pltf., W. W. Barnes. (HDC-J)v -cps. mld.	
12-21	MO:	Ordered by the Court that pltf. is granted to 12/30/76 to respond to defts. mo/dismiss and/or for partial SJ; to complete discovery and file PT order; and to respond to def. mo/consolidate. (HDC-J)rm-letter	
12-22		Reporter's transcript of proceedings had on 8/26/76, filed. (G. Dorrough Court Reporter) rm	
12-30	99.	Pltf's resp. to defts' mo/dismiss for failure to comply with orders of the Court, filed. ph	
12-30	100.	Brief in support of pltf's resp. to defts' motion to dismiss under rule 41(b), filed. ph	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>74-C-377</u>
W. W. Barnes		Ford Motor Co., et al	PAGE <u>8</u> OF <u>4</u> PAGES

DATE	NR.	PROCEEDINGS
12-30 1976	101.	Pltf's resp. to def't's motion to consolidate, filed. ph
12-30	102.	Brief in support of pltf's resp. to consolidate of defts', filed. ph
12-30	103.	Resp. of pltf. to def't's motion to dismiss and/or motion for partial S/J, filed. ph
12-30	104.	Pltf's proposed PT order, filed. ph
12-30	105.	Affidavit of J.R. Hall, Jr., filed. ph
12-30	106.	Affidavit of Phillips Breckinridge, filed. ph
1-4-77	MO:	Case set for selection of jury in Tulsa, Ok. on 1-18-77 at 9:30 a.m. (HDC-J)
1-12	107.	Order, filed, that Def'ts' mo/dismiss for failure to comply w/orders of the Court is denied. (HDC-J)ph cps mld
1-12	108.	Order, filed, that defts' motion to consolidate for trial is denied. (HDC-J)ph cps mld
1-18	MO:	Case called for selection of jury. Deft. present & announces settlement of case. Final papers to be submitted by 1-21-77. (HDC-J)hm
1-25	109.	Stipulation of dismissal, filed and entered, that case is dismissed with prejudice, each party to bear his own costs. (HDC-J)ph cps mld